

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ANGIE SIMONS,
Individually and on behalf of all others

Plaintiff,

vs.

AEGIS COMMUNICATIONS GROUP,
LLC,

Defendant.

Case No. 2:14-cv-04012-NKL

FINAL ORDER AND JUDGMENT

This matter having come before the Court on January 15, 2015, upon the Parties' Joint Motion for Final Approval of Class Action Settlement (Doc. 31), the evidence and arguments of counsel presented at the Court's Final Fairness Hearing, and the submissions filed with this Court, IT IS HEREBY ORDERED AND ADJUDGED as follows:

On December 3, 2013, Plaintiff Angie Simons (herein after referred to as the "Named Plaintiff") filed the above-captioned lawsuit on behalf of herself and a putative class ("Lawsuit") against Defendant Aegis Communications Group, LLC. The Lawsuit was removed to this Court on January 15, 2014 based on federal question jurisdiction. The Named Plaintiff asserted class claims against Defendant under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et seq.*

Defendant denied any and all liability alleged in the Lawsuit.

After extensive arms-length negotiations, the Named Plaintiff and Defendant entered into a Settlement Agreement, which was revised and submitted to the Court on October 10, 2014.

On October 15, 2014, upon consideration of the Parties' Settlement Agreement and Motion for Preliminary Approval, the Court entered an Order preliminarily approving the Settlement Agreement and certifying two settlement classes in accordance with the terms of the Parties' Agreement. (Doc. 29). Pursuant to the Order, the Court, among other things, (1) preliminarily approved the parties Settlement Agreement, including Class Counsel's request for attorneys' fees and an incentive award to the Named Plaintiff; (2) conditionally certified (for settlement purposes only) two settlement classes – a Disclosure Class and a Pre-Adverse Action Class; (3) designated Charles Jason Brown and Jayson A. Watkins as Class Counsel, and Named Plaintiff as representative for the Class; (4) approved the form class notice; and (5) set the date for the Final Fairness Hearing.

On January 13, 2015, the Parties filed their Motion for Final Approval of Class Action Settlement.

On January 15, 2015, at 11:00 a.m. CST, a Final Fairness hearing was held pursuant to Fed. R. Civ. P. 23, to determine whether the Lawsuit satisfies the applicable prerequisites for class action treatment; whether the proposed settlement is fair, reasonable, and adequate; and whether the settlement should be finally approved by the Court.

The Parties now request that the Court finally certify the settlement classes under Fed. R. Civ. P. 23(b)(3), and enter final approval of the proposed class action settlement.

Upon reading and duly considering the Parties Settlement Agreement, Motions, and statements, the Court finds as follows:

1. The Court has jurisdiction over the subject matter of the Lawsuit and over all settling parties hereto.

2. Pursuant to Fed. R. Civ. P. 23(b)(3), the Lawsuit is hereby certified as a class action on behalf of the following Class Members:

Disclosure Class: All applicants and/or employees of Aegis, during the Claims Period, from whom Aegis obtained written consent, using a Consumer Disclosure and Authorization Form, to conduct a background check and upon whom Aegis subsequently obtained a background check subject to the consent, who are not members of the Pre-Adverse Action Class.

Pre-Adverse Action Class: All applicants and/or employees of Aegis in the United States, during the Claims Period, who were the subject of a consumer report that may have been used by Aegis, in whole or in part, to make an adverse employment decision regarding such applicant or employee for whom Aegis allegedly did not provide that applicant or employee a copy of their consumer report, a copy of the FCRA summary of rights, and a reasonable period of time before it took the adverse employment action.

3. Charles Jason Brown and Jayson A. Watkins are designated as Class Counsel. Angie Simons is designated as representative for the Class.

4. Pursuant to the Court's Order of preliminary approval, the approved class notices were mailed to Class Members on November 14, 2014. The notices satisfied the requirements of Fed. R. Civ. P. 23(c)(2)(B) and due process, and constituted the best notice practicable under the circumstances.

5. All members of the class, with the exception of the six (6) opt-out members who timely excluded themselves from the Class, are bound by this order and are permanently enjoined from commencing, prosecuting, or maintaining any claim already asserted in, encompassed by, or released in connection with, this action.

6. The Court finds that the settlement of the Lawsuit, on the terms and conditions set forth in the Parties' Settlement Agreement is fair, reasonable, and adequate in light of the benefit to the Class Members; the complexity, expense, and probable duration of further litigation; the

inherent risk and delay in litigation and the appeals process; and the potential for recovery in this case.

7. Within forty-five (45) days from the date of this Order, the Parties' settlement administrator shall mail a check for the net settlement amount, as provided for in the Parties' Settlement Agreement, to each Class Member who has not opted out of the Class.

8. The Parties' recommendation of the U.S. Committee for Refugees and Immigrants as the *cy pres* beneficiary is consistent with promoting the rule of law and is approved.

9. The incentive award to the Named Plaintiff is approved and Named Plaintiff is permanently barred and enjoined from instituting or prosecuting any of the claims release in the Settlement Agreement.

10. It is hereby ORDERED that the Lawsuit is hereby DISMISSED WITH PREJUDICE in all respects.

11. The Court retains continuing and exclusive jurisdiction of the Parties regarding all matters relating to the Lawsuit, including the administration, consummation, and enforcement of the Settlement Agreement.

For the foregoing reasons and as stated above, the Court grants the Parties' Joint Motion for Final Approval of Class Action Settlement

IT IS SO ORDERED on this 15 day of January, 2015, in Jefferson City, Missouri

/s/ Nanette K. Laughrey
HONORABLE NANETTE K. LAUGHREY
United States District Judge